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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,007	09/30/2004	Andreas Burgstaller	BURGSTALLER ET AL 1	9849
25889	7590	05/09/2006	PCT	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576				
EXAMINER				
ABOAGYE, MICHAEL				
ART UNIT			PAPER NUMBER	
1725				

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/510,007

Applicant(s)

BURGSTALLER ET AL.

Examiner

Michael Aboagye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the welding parameters" at the end of line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 7- 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeCoster et al. (US Patent No. 6103994) in view of Davis et al. (US Patent No. 5343016)

DeCoster et al. discloses a method for setting a parameter for external welding devices wherein the welding parameters are selectable and settable using different operating elements and display elements provided on the welding apparatus (see the output control selectors {112, 114, 116, 118, etc} figure 2); a memory (18) stores various configurations of parameter selectors which can be invoked by a plurality of memory selectors (90,92,94,95); a control circuit (16) recalls these configuration of parameter selectors and communicates with the control panel (50) for display to the operator such that the welding parameters can be activated or adjusted on the external operating unit provided on the external component. The control circuit receives and evaluation operating parameter selector signal from an operating parameter selector and a welding process selector to effect control of the welding apparatus (figure 2, abstract, and column 6, line 4 – column 8, line 60). Claim 7 differs from the device of DeCoster et al. in expressly invoking on a control program. This difference does not patentably distinguish over the prior art.

However Davis et al. discloses a microprocessor or program controlled welding apparatus. The invention includes the capability of sensing external switches or other derives, and the capability for responding intelligently to sensed inputs in accordance

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with program control. For example, the invention includes the capability for sensing the appropriate location at which to start a weld, and the ability to sense a location at which a weld should be stopped. The invention includes the capability of receiving input from an operator defining a desired welding procedure and either a constant current mode, constant voltage mode, or some other desired welding mode, and then controlling the arc welding power supply precisely to provide the user desired welding procedure. The invention includes the capability of sensing signals from a robot and responding intelligently to such signals (see Davis et al. column 4, line 40 – column 8 line 65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the device of DeCoster et al. program controlled in view of the teachings of Davis et al. which includes the capability for responding intelligently to sensed inputs in accordance with program control; receiving input from an operator defining a desired welding procedure which by so doing will improve operator interface with the welding apparatus (see Davis et al. column 4, line 40 – column 5 line 38).

Response to Arguments

7. The examiner acknowledges the applicants' amendments received by the USPTO on March 29, 2006. Claims 1-6 have been cancelled and replaced by claims 7-12, therefore claims 7-12 are currently under consideration in the application.

8. Applicants' arguments filed March 29, 2006 have been fully considered but they are not persuasive.

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With respect to the applicants' remarks/arguments set forth on pages 4-7 of the amendment, the examiner respectfully disagrees with the applicants' interpretation of the Decoster et al. reference regarding claim 7, attention is drawn to Decoster et al. column 4, line 10 – line 67; column 7, line 35- column 8, line 28 and figure 1, which teaches selection among a plurality of remote controls which leads to selecting different controlled welding parameters which add significant convenience to operator control over the welding process; it is therefore obvious that different routes could be chosen for different operations, and that this would correspond to the claimed limitation "selectively allocating a selected welding parameter for setting or adjustment to an external operating unit provided on an external component". Furthermore the applicants' statement that "Decoster et al. does not disclose a device having an external component that receives instructions or welding parameters from a central unit" is not pertinent to claim 7. The teachings of Davis et al. is directed to a controller which functions as a central unit, controlling the welding function, it is deemed that Davis et al. remedies the deficiency of Decoster et al., and therefore this combination of references remain valid in rejecting claims 7-12 under 35 U.S.C. 103(a).

Conclusion

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Aboagye whose telephone number is 571-272-8165. The examiner can normally be reached on Mon - Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Michael Aboagye
Assistant Examiner
Art unit 1725
05/04/2006

KEVIN KERNS
PRIMARY EXAMINER

Kevin Kerns 5/5/06